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| APPLICATION NO.                                                                              | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------------|-------------|--------------------------|---------------------|------------------|
| 10/524,216                                                                                   | 02/10/2005  | Mubarik Mahmood Chowdhry | 265070US0PCT        | 6422             |
| 22850                                                                                        | 7590        | 01/02/2008               | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                          | LEE, RIP A          |                  |
|                                                                                              |             | ART UNIT                 | PAPER NUMBER        |                  |
|                                                                                              |             | 1796                     |                     |                  |
|                                                                                              |             | NOTIFICATION DATE        | DELIVERY MODE       |                  |
|                                                                                              |             | 01/02/2008               | ELECTRONIC          |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/524,216             | CHOWDHRY ET AL.     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Rip A. Lee             | 1796                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on March 15, 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12, 14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 21 is/are allowed.
- 6) Claim(s) 1-12, 14 and 16-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

This office action follows a response filed on March 15, 2007. Claims 1-12, 14, and 16-21 are pending.

***Claim Rejections - 35 USC § 102***

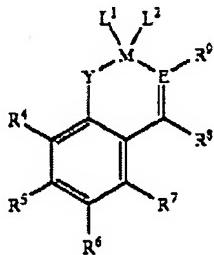
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmid et al. (U.S. 6,800,699) for the same reasons set forth in the previous office action dated January 18, 2007.

Schmid *et al.* teaches a process for production of aqueous polymer dispersions in the presence of a transition metal complex, dispersing agents, and optionally organic solvent, and wherein the olefinically unsaturated monomer is present in an aqueous medium as a dispersed phase having an average droplet size diameter  $\leq 1000$  nm, *i.e.*, a mini-emulsion. The catalyst system comprises a transition metal complex having the formula shown below.



As seen from the claim 1, substituents R<sup>4</sup> to R<sup>9</sup> is selected from C<sub>6</sub>-C<sub>14</sub> aryl identically or differently substituted by one or more halogens or singly or multiply halogenated C<sub>1</sub>-C<sub>12</sub> alkyl groups (such as trifluoromethyl; col. 8, line 40). Activators are disclosed in column 11, lines 25-36 and claim 9. Cationic/anionic/non-ionic emulsifiers are described in col. 12, line 10+ and claim 13. Polymerization of olefins is disclosed in column 6, lines 25-32 and claims 10-12. Use of additives is disclosed in column 21, lines 27-29. End use of polymer includes paper sizing compositions, carpet backing, molded foams, textile and leather applications, *etc.*; see col. 19, line 62 - col. 20, lines 1-67.

#### *Response to Arguments*

3. Applicant traverses the rejection of claims over Schmid *et al.* Applicant's arguments have been considered fully, but they are not persuasive. Applicant submits that the reference is not anticipatory because one skilled in the art, in order to arrive at formula I of the present claims, must choose as R<sup>9</sup> in formula Ib, a phenyl group as the C<sub>6</sub>-C<sub>14</sub> aryl group for any of R<sup>5</sup> to R<sup>9</sup>, and then employ a radical of formula II, as recited in the present claims for at least one of the radicals R<sup>1</sup> to R<sup>9</sup>. The examiner respectfully disagrees because such embodiments lie within the scope of protection sought in Schmid *et al.*, as evidenced by their being claimed in claim 1. Schmid *et al.* claims a process for production of aqueous polymer dispersions in the presence of compounds of formula Ib in which substituents R<sup>3</sup> to R<sup>9</sup> is a halogen substituted C<sub>6</sub>-C<sub>14</sub> aryl, or a multiply halogenated C<sub>1</sub>-C<sub>12</sub> alkyl group. The instant invention is drawn to a process for production of aqueous polymer dispersion in the presence of a compound of formula I (both I and Ib contain the basic *ortho*-Y-C<sub>6</sub>H<sub>4</sub>-C(R)=NR ligand framework) in which substituent R<sup>1</sup> to R<sup>9</sup> is a phenyl group substituted with an electron withdrawing group (which includes, *inter alia*, halogen and halogenated alkyl groups). Therefore, it is maintained that the subject matter of the instant claims is anticipated by the prior art and that no picking or choosing is required to arrive at the claimed invention because the claimed process lies within the scope of the claims of Schmid *et al.* In light of this and previous discussion, the rejection has been maintained.

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***Allowable Subject Matter***

4. Claim 21 remains allowed.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu S. Jagannathan, can be reached at (571)272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read "Rip A. Lee".

December 21, 2007